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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,643	03/27/2000	Motohiro Hayashi	49378(868)	8846
21874	7590	03/18/2004	EXAMINER WORKU, NEGUSSIE	
EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205			ART UNIT 2626	
			PAPER NUMBER	

DATE MAILED: 03/18/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/491,643

Applicant(s)

HAYASHI, MOTOHIRO

Examiner

Negussie Worku

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5, 9
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. (USP 5896204).

With respect to claim 1, Sato et al., discloses an image data transmitting apparatus (as shown in fig 1) comprising: document reading means (scanner 110 of fig 1) for reading a document set therein, see (col.2, lines 57-60); image data storing means (an image memory 104 of fig 1 comprises a DRAM and stores the image data, see col.2, lines 47-49) for storing the image data of the document resulting from reading, see (col.2, lines 47-49); communication means (modem 107 of fig 1) connected to an image data receiving apparatus (facsimile of fig 1) via a communication line (communication line 109 of fig 1, see col.2, lines 50-55); and trouble detecting means (CPU 101 detects a transmission trouble) for detecting a transmission trouble which has occurred in transmitting

Art Unit: 2626

the image data by the communication means (modem 107 of fig 1) wherein when the trouble detecting means (communication error is detected in s216 of fig of fig 4, see col.3, lines 49-51) detects the transmission trouble, see col.3, lines 30-35) a reading operation of the document reading means (scanner 110 of fig 1) and a transmission operation of the communication means are stopped, (communication is terminated when trouble is detected, see col.3, lines 30-35), and when the documents are set in the document reading means (scanner 110 of fig 1) thereafter again, the reading operation of the document reading means (110 of fig 1) and the transmission operation of the communication means (modem 107 of fig 1) are restarted, the image data transmitting apparatus (the facsimile shown in fig 1) further comprising: transmitted-sheets-number storing means (RAM 103 of fig 1) for storing a number of document sheets , see col.3, lines 30-35, for which image data is completely transmitted by the communication means (modem 107 of fig 1) by a time when the interruption of transmission is carried out by reason of occurrence of the transmission trouble, (communication trouble or error is detected , see col.3, lines 29-31) wherein in retransmitting image data for all the documents, see (retransmission, the pages ended with the communication error is stored and retransmitted, see col.3, lines 55-60) discrimination data is added to the image data for the documents to discriminate between image data which is already transmitted and image data which is not transmitted yet, based on the data stored in the transmitted-sheets-number storing means (RAM 103 of fig 1).

With respect to claim 2, Sato et al. discloses the image data transmitting apparatus (a facsimile of fig 1) further comprising: read-sheets-number storing means (103 of fig 1) for storing a number of document sheets for which image data resulting from reading by the document reading means (scanner 110 of fig 1) is stored in the image data storing means (103 of fig 1); and notification means (console unit 112 of fig 1) for notifying a user of a number of document sheets (all pages col.3, lines 56-8) to be reset in the document reading means (scanner 110 of fig 2) for retransmission, based on the data stored in the transmitted-sheets-number storing means (RAM 103 of fig 1) or the read-sheets number storing means, (104 of fig 5) wherein for the documents reset in the document reading means (scanner 110 of fig 1) reading is carried out again and resulting image data is retransmitted.

With respect to claim 3, Sato et al. discloses the image data transmitting apparatus 9as shown in fig 1), wherein in retransmission of the documents reset in the document reading means (scanner 110 of fig 5) after the interruption of the transmission operation because of a transmission trouble, (error occur step 206 of fig 3) image data which is read for predetermined part of each of the reset documents by the document reading means (scanner of fig 1) is compared to image data for corresponding part of each document previously read and stored in the image data storing means, (103 of fig 1) and when the image data matches, see (col.7, lines 14-16), reading of an entirety of the relevant reset

document is not carried out, and when the image data does not match, reading for the entirety of the relevant reset document is carried out.

With respect to claim 4, Sato et al., discloses image data receiving apparatus (a facsimile shown in fig 1), comprising: communication means (modem 107 of fig 1) connected an image data transmitting apparatus via a communication line (communication 109 of fig 1); image data storing means (memory 103 of fig 1) for storing image data of transmission data received, via the communication line (109 of fig 1); controlling/printing means (CPU 101 of fig 1) for controlling and printing image data stored in the image data storing means (104 of fig of fig 1); and discrimination-data detecting means ((communication trouble or error is detected , see col.3, lines 29-31) for detecting discrimination-data for discriminating between image data previously not transmitted and image data previously transmitted has been transmitted from the image data transmitting apparatus, (facsimile shown in fig 1) wherein the controlling/printing means (CPU 101 of fig 1) controls printing operation of image data previously not transmitted and printing operation of image data previously transmitted, based on a result of detection by the discrimination-data detection means, (communication trouble or error is detected , see col.3, lines 29-31) to be different from each other.

With respect to claim 5, Sato et al. discloses the image data receiving apparatus (as show in fig 1) wherein the printing operation of the image data previously transmitted is different from that of image data previously not transmitted, in that an image to an effect that transmission has already been completed is printed in printing the image data previously transmitted.

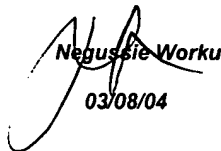
With respect to claim 6, Sato et al. discloses the image data receiving apparatus (as shown in fig 1), wherein the printing operation of the image data previously transmitted is different from that of image data previously not transmitted, in that when image data previously transmitted is received, image data which corresponds to the received image data and is previously received and stored in the image data storing means, is selectively erased, see (memory erase means col.6, lines 40-43).

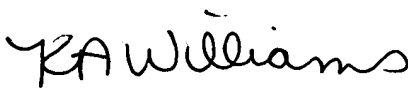
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Negussie Worku* whose telephone number is 305-5441. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kimberly Williams** can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Negussie Worku  
03/08/04

  
**KIMBERLY WILLIAMS**  
**SUPERVISORY PATENT EXAMINER**